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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re:
PG&E CORPORATION
-and-
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Bankruptcy Case
No. 19-30088 (DM)
Chapter 11
(Lead Case)
(Jointly Administered)

**NOTICE OF [PROPOSED] ORDER RE:
RULE 2004 SUBPOENA FOR
PRODUCTION OF DOCUMENTS TO
PRICEWATERHOUSECOOPERS LLP**

1 The Trustee for the Fire Victim Trust (the “Trustee”) and PricewaterhouseCoopers LLP
2 (“PwC”) participated in discovery conferences with this Court on July 16, 2021 and August 5,
3 2021, to discuss certain disputed issues regarding the March 17, 2020 subpoena for the production
4 of documents served on PwC (the “Subpoena”).

5 Consistent with this Court’s guidance, the parties met and conferred after the August 5th
6 discovery conference in an effort to prepare a mutually agreed proposed order concerning the
7 issues identified in the August 2, 2021 email from the Trustee’s counsel to the Court (the “August
8 2 Email”).¹ Unfortunately, the parties were unable to reach agreement regarding the content of the
9 proposed order, notwithstanding PwC’s extensive efforts to compromise.

10 With respect to issues 2 through 4 in the August 2 Email, PwC offered to produce non-
11 privileged, final deliverables for the Community Wildfire Safety Program (“CWSP”), the Public
12 Safety Power Shutoff Program (“PSPS”), and the EPC Cross-Cutting Program (“EPC CC”) (to the
13 extent not already produced). PwC also agreed, despite its objections, to produce such
14 deliverables for the entire proposed eight-year time period. Furthermore, PwC agreed that any
15 production would be made without prejudice to the Trustee requesting additional documents if the
16 Trustee were to determine in good faith after reviewing the produced documents that other PwC
17 documents related to the CWSP, PSPS, and EPC CC may be relevant to causation of the subject
18 wildfires. However, the Trustee rejected PwC’s compromise offer, instead demanding for the first
19 time in the proposed order all “work product” for the CWSP, PSPS, and EPC CC. This new
20 demand for “work product”—as opposed to *deliverables*—was never discussed by the parties
21 during their many meet and confers (until today), nor was it discussed during the August 5th
22 discovery conference with the Court.

23 With respect to issue 1 in the August 2 Email, the Trustee’s request for “documents
24 sufficient to identify *all of PwC’s contracts with PG&E*,” the Trustee’s counsel admitted during a
25 meet and confer today that the Trustee has dropped this facially overbroad request to other
26

27 ¹ As previously noted, the Trustee submitted this so-called “status report” unilaterally and in
28 violation of this Court’s order at the July 16th discovery conference.

1 consultants that performed work for PG&E. The Trustee's counsel failed to offer any good reason
2 why this burdensome request is necessary with respect to PwC, especially given PwC's offer to
3 produce the documents discussed above. Regardless, a (very long) list of contract names and
4 dates covering an eight-year time period, the vast majority of which have absolutely nothing to do
5 with wildfire safety, will not advance the parties' ongoing meet and confers in a meaningful way.

6 Finally, the Trustee also requested for the first time in the proposed order that *non-party*
7 PwC produce a privilege log containing information beyond what is typically provided by *parties*
8 and beyond what is required by applicable law. The Trustee did not raise this unreasonable
9 request at the August 5th discovery conference or in prior meet and confers with PwC. PwC
10 already agreed to prepare a privilege log and will do so consistent with its obligations under
11 applicable law; it should not be ordered to do anything more.

12 Accordingly, PwC respectfully submits the proposed order attached hereto as Exhibit A,
13 and respectfully requests that the Court enter an order in the form proposed by PwC.
14

15 Dated: August 9, 2021

KIBLER FOWLER & CAVE LLP

16
17 By: /s/ Matthew J. Cave

18 MICHAEL D. KIBLER

19 MATTHEW J. CAVE

20 Attorneys for PricewaterhouseCoopers LLP

1 **EXHIBIT A**

2 PROPOSED ORDER

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**[PROPOSED] ORDER RE: RULE 2004
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1 The Trustee for the Fire Victim Trust (the “Trustee”) and PricewaterhouseCoopers LLP
2 (“PwC”) participated in discovery conferences with this Court on July 16, 2021 and August 5, 2021,
3 to discuss certain disputed issues regarding the March 17, 2020 subpoena for the production of
4 documents served on PwC (the “Subpoena”). After due deliberation and sufficient cause appearing
5 therefor, the Court issues the following orders regarding the Subpoena.

6 IT IS HEREBY ORDERED THAT:

7 1. Within twenty-one (21) days of the date of this Order, PwC shall produce to the
8 Trustee the following:

9 a. PwC's non-privileged, final deliverables to PG&E relating to the Community
10 Wildfire Safety Program ("CWSP") during the time period 2013 through March
11 17, 2020;

12 b. PwC's non-privileged, final deliverables to PG&E relating to the Public Safety
13 Power Shutoff program ("PSPS") during the time period 2013 through March 17,
14 2020; and

15 c. To the extent not already produced, PwC's non-privileged, final deliverables to
16 PG&E relating to the EPC Cross-Cutting program ("EPC CC") during the time
17 period 2013 through March 17, 2020.

18 2. In the event that PwC has withheld or withholds any of the above-described
19 documents based on a claim of attorney-client privilege, work-product protection, or any other
20 privilege, whether such privilege is asserted by PG&E or PwC, PwC shall provide a privilege log
21 to the Trustee within twenty-eight (28) days of the date of this Order.

22 3. In addition, by no later than 5 p.m. PST on August 19, 2021, the Trustee and PwC
23 shall each submit a letter brief to the Court, not to exceed five pages in length, setting forth their
24 position as to the Trustee’s request for documents related to the General Rate Case (“GRC”).

25 4. This Order is without prejudice to the Trustee's right to seek additional examinations
26 or documents pursuant to Bankruptcy Rule 2004 or any other applicable law.

** END OF ORDER **